

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

GUO WENGUI a/k/a MILES KWOK,

Plaintiffs,

-against-

WARNER MEDIA, LLC and ERIN BURNETT

Defendants,

Index No. /2019

SUMMONS

To the above-named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York

August 2, 2019

LAWALL & MITCHELL, LLC
Attorneys for Plaintiff

BY: /s/ Aaron A. Mitchell

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TO: All Defendants

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COMPLAINT

Plaintiff, Guo Wengui a/k/a Miles Kwok (“Guo” or “Plaintiff”), for his complaint and action for money damages against Defendants Warner Media, LLC and Erin Burnett, alleges as follows:

PARTIES

1. Plaintiff Guo is a Hong Kong citizen currently residing in New York, New York. Plaintiff left China at the end of 2014 and is currently seeking political asylum in the United States. Guo has been a longstanding critic of corruption within elements of the Chinese government and a leading advocate for government reform in China.

2. Defendant Warner Media, LLC is a Delaware corporation, licensed and operating within the State of New York, with a principal place of business at 1 Time Warner Center, New York, NY 10019.

3. Defendant Erin Burnett is a news anchor of the Cable News Network (hereinafter, “CNN”) a news-based pay television network that is owned and operated by Defendant Warner Media, LLC.

4. Upon information and belief, Defendant Burnett is an employee of Defendant Warner Media, LLC which owns CNN.

JURISDICTION AND VENUE

5. The Court has personal jurisdiction because Defendant Warner Media, LLC is principally located in the State of New York and Defendant Erin Burnett is employed by Defendant Warner Media, LLC. Further, as described in greater detail herein, the defamatory statements were published and broadcast by Defendant Warner Media, LLC, through their New York place of business.

6. Venue is proper in this Court because Guo is a resident of New York County, New York.

BACKGROUND FACTS

7. Guo is a Hong Kong citizen who fled from China for fear of political persecution. Guo has been the most outspoken and vitriolic critic of the CCP.

8. Guo's willingness to air publicly his political views towards the CCP and Chinese government, has led to a backlash by senior members of the CCP and Chinese government towards Guo and his family, including, but not limited to, the detention and arrest of Guo's family members and colleagues; and the freezing of Guo's assets.

9. Two brothers and a niece of Guo were sentenced to imprisonment of three years, three years and five months, and two years and six months respectively. These family members remain imprisoned in China.

10. Because of the CCP's political persecution, Guo was forced to leave China and is seeking political asylum in the U.S.

11. Since his exile, the CCP has seized more than USD30 billion in cash and assets owned by Guo's family and himself.

12. Because of Guo's whistleblower actions, China has gone to extensive lengths to silence Guo and have him extradited back to China. These efforts have included:

- a. Requesting that Interpol issue a "red notice" for his arrest based on false accusations;
- b. requesting the chief executives of several large U.S. corporations reach out to President Trump in an effort to convince him to have Guo extradited;
- c. hiring Elliot Broidy, a lobbyist and former chairman of the Republican National Committee, to peddle his influence and convince the Trump Administration to extradite Guo in exchange for a success fee in the millions of dollars payable to Broidy; and
- d. using social media to drum up fake accusations about Guo.

13. In another effort to silence Guo, in May 2017, the CCP secretly sent Liu Yanping, the then Secretary of Commission for Discipline Inspection, Ministry of National Security of China, along with three other agents to New York City to speak with Guo. In exchange for Guo's silence and return to China, the CCP promised to unfreeze his assets and release his family members from jail.

14. The congressional U.S. China Economic and Security Commission found that Guo has been the target of an unprecedented Chinese government disinformation campaign to discredit Guo.¹

15. To counter this unprecedented disinformation campaign, Guo has taken to U.S. courts in reliance on the rule of law to challenge those who seek to discredit him.

¹ https://www.uscc.gov/sites/default/files/Annual_Report/Chapters/Chapter%203%2C%20Section%205%20-%20China%27s%20Domestic%20Information%20Controls%2C%20Global%20Media%20Influence%2C%20and%20Cyber%20Diplomacy_0.pdf

16. To wit, Guo has now successfully sued numerous individuals for defamation for calling Guo a “spy” for the CCP; a “fraud”; a “liar” and other nefarious terms.

17. Specifically, Guo sued Xia Yeliang in the United States District Court for the Eastern District of Virginia, for defamation and defamation *per se* because Xia stated publicly that Guo a “spy,” “rapist,” “fraud,” “liar,” and “swindler.”² (the “Xia Litigation”). A unanimous jury found that these allegations – i.e. that Guo is a Chinese “spy” were false, defamatory and defamatory *per se*, and awarded Guo \$100,000 as damage to his reputation.

18. Guo also sued Li Hongkuan in the United States District Court for the District of Maryland for defamation and defamation *per se* because Li made multiple public statements that Guo is a “rapist, is a *communist spy* ... and is an organized crime leader” (the “Li Litigation”). The Court found that these statements were false, defamatory and defamatory *per se*.³

CNN’S DEFAMATORY NEWS BROADCAST

19. On July 23, 2019, Defendant Erin Burnett on the CNN program “OUTFRONT” broadcast a story that lead with the following statement: “New tonight, the Chinese billionaire and member of Mar-a-Lago accused of being a spy.”

20. Defendant Burnett acknowledged the intent of the headline was to grab attention, stating “pretty stunning headline here. A member of Mar-a-Lago, Chinese billionaire accused of being a spy. It appears his deportation has been halted.”

21. Along with Defendant Burnett, the broadcast included further defamatory statements made by guest, Sarah Blaskey (hereinafter, “Blaskey”), a reporter for the Miami Herald.

² See *Guo Wengui v. Xia Yeliang*, 18-cv-174 (E.D.Va.)

³ See *Guo Wengui v. Hongkuan Li*, 2019 WL 2288348, *2 (D. Maryland)

22. The entire transcript of the broadcast was posted on the CNN website sometime after its conclusion.

23. Clearly, the intent was to garner views for the sensational “story” with no regard for the truth and less investigation into the underlying facts.

24. The CNN broadcast went on to make a number of false statements, along with various other statements intended to mislead its viewers and cast Plaintiff in a negative light.

25. Among these statements, both Defendant Burnett and Blaskey state that Plaintiff’s “deportation was halted”, incorrectly implying that Mr. Guo was on the very of being deported, and thus, was an “undesirable” person to have in the United States.

26. This is patently untrue, Plaintiff was never and has never been on the verge of being deported, nor was his deportation “halted” because no deportation process had begun which would require it to be “halted”.

27. Blaskey further stated that, “Now, we just found out this past Friday from court filings in New York that a company that he partnered with in the past to do a bit of research, a U.S. based company, has accused him of trying to gather intel for the Chinese government. And so, that allegation is what's new.”

28. The “U.S. based company” that Blaskey is referring to is Stragic Vision U.S., LLC (hereinafter, “Strategic Vision”) who filed a counterclaim in New York on the date in question.

29. In truth, Plaintiff never partnered with and/or contracted Strategic Vision to do any research.

30. In fact, Strategic Visions claims against Plaintiff in the litigation in New York were dismissed because Mr. Guo never had a contract with Strategic Vision.

31. Defendants and BLaskey could have easily found this information if they reviewed the docket of the very same case from which Blaskey apparently derived her (mis)information.

32. Further exacerbating the deception, Blaskey states that “It's unclear if federal authorities are acting on that information.”

33. Blaskey irresponsibly makes this statement despite having no information one way or another, but by making this statement, she implies that Mr. Guo has somehow done something illegal that “federal authorities” should “act on”.

34. Burnett goes on to state that, “But when it comes here to the president's involvement from what you found, Sarah, from the timeline, it certainly appears that it's very possible that the Chinese government want him back, apparently a spy.” Stating, as unequivocally as it is untruthful, that Mr. Guo is “apparently a spy”.

35. To be clear, and while the assertion does not dignify a response, Mr. Guo is not, nor has he ever been a spy for China. To the Contrary, he has been an outspoken critic of the corruption in the Chinese Government and its ruling communist party. He has publicly vowed and contributed much of his considerable wealth, along with his heart and soul, into bringing the Rule of Law to China.

36. Defendant Burnett and Blaskey then go down a rabbit hole where they discuss a woman from China recently arrested trying to sneak into Mar-A-Lago and another woman of Chinese decent, Cindy Yang allegedly selling access to President Trump.

37. The specific exchange as taken from the transcript posted on cnn.com is below:

BURNETT: You know, look, it's pretty stunning to imagine the president of the United States getting involved with something for -- for anything like this, never mind for this sort of reason. But it comes as you've reported on security at the Mar-a-Lago. Under heavy scrutiny, right? You had the woman who snuck in who's now maybe a spy.

You have Cindy Yang, the Florida massage parlor owner, who has appeared there many times with the president many times, and with the president many times, accused of selling access to Trump and his family through Mar-a-Lago, all of this possibly tied back to China.

BLASKEY: That's right. It's certainly interesting timing for this news to come out.

Is it politically motivated as Mr. Guo has suggested? Maybe. I think we'll know more and obviously, we're going to continue following this story to try to find out what federal authorities do know about Mr. Guo if anything, or if he has been caught up in the investigation that you mentioned, the ongoing investigation into possible espionage at Mar-a-Lago.⁴

38. Clearly, Defendants and Blaskey intended to have their viewers associate Mr. Guo with the woman arrested sneaking into Mar-a-Lago with malware and Cindy Yang with no factual basis to support this implication.

39. Further, Blaskey states that Mr. Guo may have been “caught up in the ... ongoing investigation into possible espionage at Mar-a-Lago”.

40. These statements and implications are also false. Mr. Guo has never met the woman arrested breaking into Mar-a-Lago, nor has he had any dealings with Cindy Yang, nor is he “caught up” in any investigation or involved in espionage.

41. Mr. Guo is simply a long-standing member at Mar-a-Lago, who happens to have been born in, and ultimately fled, China. In fact, on a number of occasions, Mr. Guo warned the staff at Mar-a-Lago of the potential attempts by agents of China to infiltrate the club.

FIRST CAUSE OF ACTION
DEFAMATION *PER SE*

42. Plaintiff incorporates by reference and realleges each and every allegation contained in paragraphs “1” through “41”, as though fully set forth herein.

⁴ <http://transcripts.cnn.com/TRANSCRIPTS/1907/23/ebo.01.html>

43. In the broadcast on July 23, 2019, Defendants broadcast and publish untrue statements about Plaintiff, including stating that Mr. Guo was going to be deported and had committed espionage.

44. Espionage is a serious federal crime pursuant to the Espionage Act of 1917.

45. Similar statements made against Mr. Guo are demonstrably false and have, in fact, been ruled to be defamatory in two separate courts.

46. To enhance their “story”, Defendants falsely stated that it was “former partners” who were the source of their (mis)information.

47. Mr. Guo has never been partners with or entered into a contract with Strategic Visions.

48. To further embellish their story, Defendants made statements that insinuated that Mr. Guo was associated with the woman arrested sneaking into Mar-a-Lago with malware and Cindy Yang who has been accused of selling access to Mar-a-Lago and President Trump.

49. Defendant further implied that Mr. Guo was “caught up” in a federal investigation.

50. Defendants knew or should have known that the statements were false, as even a cursory review of court records would have shown Defendants statements to be false.

51. Further, even a modicum of due diligence would have shown the falsity of these statements.

52. Instead, with a reckless disregard for the truth, Defendants made the above false statements, causing harm to Plaintiff, all for the sake of potential increased viewership.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request entry of Judgment in their favor and against Defendants as follows:

- A. That Defendants be held liable for the damages sustained by Plaintiff as a result of the claims asserted herein in an amount to be determined at trial, but estimated to be not less than \$50 million;
- B. That Defendant Warner Media, LLC must remove the story from any online and physical publications and must publish a retraction of the false claims against Plaintiff on the front page of their website and physical publications;
- C. Such other relief as the Court deems necessary and proper.

Dated: New York, New York
August 2, 2019

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